

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|                              |   |                           |
|------------------------------|---|---------------------------|
| GARNELL BAILEY,              | ) |                           |
|                              | ) |                           |
| Plaintiff,                   | ) | Civil Action No. 02-4683  |
|                              | ) |                           |
| v.                           | ) | Judge James Knoll Gardner |
|                              | ) |                           |
| LUCENT TECHNOLOGIES INC. and | ) |                           |
| AGERE SYSTEMS INC.,          | ) |                           |
|                              | ) |                           |
| Defendants.                  | ) |                           |

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Defendants Lucent Technologies Inc. and Agere Systems Inc., by and through their undersigned counsel, and pursuant to Rule 56 of the Federal Rules of Civil Procedure, move for summary judgment on all claims raised by Plaintiff, Garnell Bailey. For the reasons set forth in the Memorandum of Law in Support of Defendants' Motion for Summary Judgment, which is incorporated by reference as if set forth in full herein, there are no genuine issues of material fact and Defendants are entitled to judgment as a matter of law.

WHEREFORE, Defendants respectfully request that the Court grant their Motion and dismiss Plaintiff's Amended Complaint with prejudice.

Respectfully submitted,

LITTLER MENDELSON, P.C.

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Dated: August 29, 2003

Attorneys for Defendants,  
Lucent Technologies Inc. and Agere Systems Inc.

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| LUCENT TECHNOLOGIES INC. and | ) |                           |
| AGERE SYSTEMS INC.,          | ) |                           |
|                              | ) |                           |
| Defendants.                  | ) |                           |

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2003, upon consideration of Defendants' Motion for Summary Judgment, it is hereby ORDERED that the motion is GRANTED and that Plaintiff's Amended Complaint is DISMISSED WITH PREJUDICE.

\_\_\_\_\_  
J.

**CERTIFICATE OF SERVICE**

I certify that on this 29th day of August, 2002, a true and correct copy of the foregoing **Defendants' Motion for Summary Judgment** was caused to be served via first-class United States mail, postage prepaid, upon the following counsel of record:

Glennis L. Clark, Esquire  
532 Walnut Street  
Allentown, PA 18101

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Erika B. Fisher

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